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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/790,355	03/01/2004	Khari S. Clarke	206.00360101	9409
26813	7590	03/22/2006	EXAMINER	
MUETING, RAASCH & GEBHARDT, P.A. P.O. BOX 581415 MINNEAPOLIS, MN 55458			TORRES, ALICIA M	
			ART UNIT	PAPER NUMBER
			3671	

DATE MAILED: 03/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/790,355	Applicant(s) CLARKE, KHARI S.	
	Examiner Alicia M. Torres	Art Unit 3671	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-12,15,16 and 18-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 22 and 23 is/are allowed.
- 6) ☒ Claim(s) 1,3,7-12,15,16,19-21 and 24-26 is/are rejected.
- 7) ☒ Claim(s) 4-6 and 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Objections

1. Claim 15 is objected to because of the following informalities: it is unclear what the horizontal axis, in the last line, is transverse to. Appropriate correction is required.

Claim 16 is objected to because of the following informalities: it is unclear what the “transverse pivot axis” is transverse to. Appropriate correction is required.

DETAILED ACTION

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3, 7-12, 15, 16, 19-21, 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keesee 3,702,016 in view of Chou 5,447,217.

4. Regarding claim 1, 3 and 7-9, Keesee discloses a walk-behind outdoor power equipment unit comprising:

- A housing (10)
- A handle (22) comprising first and second handle members (21) pivotally and lockably coupled to the housing (10) in first and second handle retention portions (16) in a first operating position to a second storage position

Art Unit: 3671

- A handle release comprising a release member (33) operable to impart a releasing force that displaces the handle member (21) relative to the retention portions (16) transverse to the longitudinal axis of the unit, partially reacted by the housing (10), to the first and second handle members (21) to unlock the handle (22)

However, Keesee fails to disclose wherein the handle release member is operable to both pivot about an axis transverse to a longitudinal axis of the unit and impart a releasing force simultaneously to the first and second handle members.

Chou discloses a similar release apparatus including a lever (17) pivotable about an axis transverse to the longitudinal axis of the device that imparts a horizontal release force in a direction transverse to the longitudinal axis.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the release lever of Chou on the device of Keesee in order to facilitate adjustment of the handle rods.

5. Regarding claims 10-12, Keesee discloses a walk-behind mower comprising:

- A housing (10)
- A handle (22) comprising a handle member (21) pivotally and lockably coupled to the housing (10) in a handle retention portion (16) of the housing (10)
- A handle release assembly (33) operable to impart a releasing force, partially reacted by the housing (10), to the handle member (21) to unlock the handle (22) from a first operating position.

However, Keesee fails to disclose wherein the handle release assembly comprises a lever

pivotable about an axis transverse to a longitudinal axis of the mower.

Chou discloses a similar release apparatus including a lever (17) pivotable about an axis transverse to the longitudinal axis of the device that imparts a horizontal release force in a direction transverse to the longitudinal axis.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the release lever of Chou on the device of Keesee in order to facilitate adjustment of the handle rods.

6. Regarding claims 15, 16 and 19-21, Keesee discloses a walk-behind lawn mower comprising:

- A housing (10) having first and second handle retention portions (16) defining a transverse pivot axis about which a handle assembly (22) pivots, the first handle retention portion (16) having a lip (26) having a recess at a location of the first operating position against which the first handle member (21) is biased
- The handle assembly (22) comprising first and second handle members (21) pivotally coupled adjacent and biased to the first and second retention portions (16) and lockable relative to the housing (10) in a first operating position
- A handle release apparatus (33) operable to unlock the handle (22) from the first operating position operable to apply a separating force between the handle members (21) and their retention portions (16).

However, Keesee fails to disclose wherein the handle release apparatus comprises a lever

Art Unit: 3671

member pivotable about a generally horizontal and transverse axis for applying the separating force.

Chou discloses a similar release apparatus including a lever (17) pivotable about an axis transverse to the longitudinal axis of the device that imparts a horizontal release force in a direction transverse to the longitudinal axis.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the release lever of Chou on the device of Keesee in order to facilitate adjustment of the handle rods.

7. Regarding claims 24 and 25, Keesee discloses a walk-behind lawn mower comprising:

- A housing (10)
- A handle (22) comprising a handle member (21) pivotally coupled to the housing (10) and lockable in an operating position
- A handle release apparatus (33) operable to impart a releasing force, comprising a force that displaces the handle member (21) in a direction transverse to the longitudinal axis of the mower, to unlock it from the operating position.

However, Keesee fails to disclose wherein the handle release apparatus comprises a lever pivotable about an axis transverse to a longitudinal axis of the mower.

Chou discloses a similar release apparatus including a lever (17) pivotable about an axis transverse to the longitudinal axis of the device that imparts a horizontal release force in a direction transverse to the longitudinal axis.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the release lever of Chou on the device of Keesee in order to facilitate adjustment of the handle rods.

8. Regarding claim 26, Keesee discloses a walk-behind mower comprising:
- A housing (10)
 - A handle assembly (22) comprising first and second handle members (21) pivotally and lockably coupled to the housing (10)
 - A handle release apparatus (33) operable to impart a releasing force directly to each of the first and second handle members (21) to unlock the handle (22) from the first operating position.

However, Keesee fails to disclose wherein the handle release apparatus comprises a lever pivotable about an axis transverse to a longitudinal axis of the mower.

Chou discloses a similar release apparatus including a lever (17) pivotable about an axis transverse to the longitudinal axis of the device that imparts a horizontal release force in a direction transverse to the longitudinal axis.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the release lever of Chou on the device of Keesee in order to facilitate adjustment of the handle rods.

Response to Arguments

9. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

10. Claims 22, 23 are allowed.

Claims 4-6 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

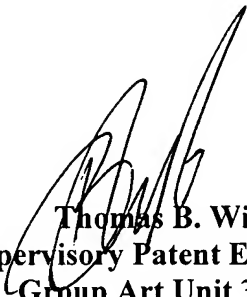
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia M. Torres whose telephone number is 571-272-6997. The examiner can normally be reached Monday through Thursday from 7:00 a.m. – 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached at 571-272-6998.

Art Unit: 3671

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is 703-305-1113. The fax number for this Group is 571-273-8300.



Thomas B. Will
Supervisory Patent Examiner
Group Art Unit 3671

AMT
March 15, 2006